

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	CRIMINAL NO. 05-379 BB
)	
ROBERT DELAYO, and)	
COLBY ATKINS.)	
)	
)	
Defendant.)	

MOTION FOR DESTRUCTION OR DISPOSAL OF FIREARMS EVIDENCE

COMES NOW the United States by and through its attorneys, David C. Iglesias, United States Attorney for the State and District of New Mexico, and Charles L. Barth, Assistant United States Attorney for said District, and does hereby move the Court to enter an order allowing the Federal Bureau of Investigation (FBI) to dispose of One (1) 20 gauge sawed-off shotgun, make and model unknown, by either destruction or other methods deemed appropriate by the FBI. This evidence was seized during the investigation of the above-captioned Defendant's, and an ATF Trace Request was unable to determine information about the shotgun as the serial number could not be located on the weapon. Additionally, there is no record of the weapon in NCIC. Subsequently, since there is not identifiable individual to return the weapon to, it is respectfully requested that the said weapon be destroyed.

The above-captioned Defendant's, are both in the custody of the Bureau of Prisons by order of Your Honor.

Kirtan K. Khalsa, Counsel for the Defendant Robert Delayo, was contacted and does not oppose this Motion.

David C. Henderson, Counsel for the Defendant Colby Atkins, was contacted and does not oppose this Motion.

Respectfully yours,

DAVID C. IGLESIAS
United States Attorney

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I hereby certify that on February 21, 2007,
I filed the foregoing electronically through
the CM/ECF system, which caused Counsel
for the Defendant, to be served by Electronic means,
as more fully reflected on the Notice of Electronic Filing.

/S/
Charles L. Barth
Assistant United States Attorney